



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

April 9, 2003



Honorable H. Sawin Millett, Jr.
37 Golden Guernsey Drive
Waterford, ME 04088

Dear Representative Millett:

This responds to your letter dated February 7, 2003 requesting guidance in the form of an advisory opinion on whether you should accept a new contract if offered by the State to serve as the "Dean" of the Maine Leadership Institute.

State Law [1 M.R.S.A. §1014(3)(A)] presumes that a conflict of interest exists:

Where a Legislator or a member of his immediate family has a direct financial interest or an interest through a close economic association in a contract for goods or services with the State, a state agency or authority in a transaction not covered by public notice and competitive bidding or by uniform rates established by the State, a state agency, authority or governmental entity or by a professional association or organization.

The facts set forth in your letter and in your presentation to the Commission on March 12, 2003, are that you first entered into a contract with the State in February 2001 to serve as the "Dean" of the Maine Leadership Institute. This was a "sole source" contract, which was renewed in February 2002 and expired in February 2003. The State then put the project out to bid through the State's competitive bidding process in the early winter of 2003. You were one of two bidders who responded to the RFP, and you have since been notified that you were the winning bidder.

Following discussion at the March 12 meeting, the Commission concluded that this situation does not appear to fit within the statutory definition of a conflict of interest under Title 1 M.R.S.A. §1014(3)(A) due to the competitive bidding process, and, therefore, there is no apparent conflict of interest in your accepting a contract from the State to provide this service.

If you have any further questions, please do not hesitate to contact our office.

Sincerely

Mr. James O. Donnelly
Acting Chair
Commission on Governmental
Ethics and Election Practices



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OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE